

**Remarks**

Reconsideration and allowance of this application, as amended, are respectfully requested. The instant Amendment, which is filed in response to the Office Action mailed February 13, 2009, and to the Notice of Non-Responsive Amendment (the "Notice") mailed November 12, 2009, replaces in its entirety the Amendment Under 37 CFR § 1.111 filed July 13, 2009.

For at least the following reason, Applicant respectfully disagrees with the position stated in the Notice, i.e., that "[t]he remaining claims are not readable on the elected invention because the elected invention was aluminum fuel particles and now the claim has been amended such that it is a propellant composition."

The Office Action mailed October 28, 2008, imposed a restriction requirement between the claims of Group I (claims 1-6) "drawn to method," and Group II (claims 7-11) "drawn to a *fuel*" (emphasis added). As indicated at page 9 of Applicant's Amendment Under 37 CFR § 1.111 in Response to Restriction Requirement filed November 10, 2008, Applicant provisionally elected, with traverse, "Group II, claims 7-11, drawn to the *fuel*." Therefore, to be precise, and contrary to the Notice, Applicant never elected claims directed to "aluminum fuel particles."

Nonetheless, to advance prosecution, claim 7 has been amended in response to the Notice and to even more clearly define the invention. Claims 1-11 remain pending in the application, with

claims 1-6 and 8-10 withdrawn from consideration as being directed to a non-elected group and species. Claims 1 and 7 are independent. No new matter has been introduced through the foregoing amendments. Entry of each of the amendments is respectfully requested.

The rejection of claim 11 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Instant claim 7 defines "a fluoride complex provided by treatment of the aluminum fuel particles with an aqueous solution of hydrofluoric acid and (i) a fluoride or (ii) a complex fluoride of at least one of an alkali metal and an alkaline earth metal." Instant claim 11 recites in pertinent part that "the alkali metal fluoride is potassium fluoride." Accordingly, the portion of claim 7 that recites "a complex fluoride" and "an alkali metal" provides the basis for the claim 11 recitation of "the alkali metal fluoride." Reconsideration is respectfully requested.

35 U.S.C. § 103(a) - Boulos

Claims 7 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,391,239 to Boulos.

The rejection of claims 7 and 11 under § 103(a) based on Boulos is respectfully traversed. For at least the following reasons, the disclosure of Boulos would not have rendered obvious Applicant's claimed invention.

Applicant's claimed invention is directed to "aluminum fuel particles comprising a surface layer of a fluoride complex provided by treatment of the aluminum fuel particles."

Boulos is directed to a completely different technical field than that of the Applicant's invention. Boulos discloses a method for "Conversion Coating of Aluminum and Its Alloys and Compositions and Concentrates Therefor" (Boulos's title of invention). The coating "provides excellent corrosion resistance and adhesion to subsequently applied paints and like protective outer coatings" (column 1, lines 15-17). An object of Boulos's invention is "to provide a conversion coating treatment for aluminum that promotes excellent corrosion resistance when used as an undercoating for paint and similar conventional outermost protective coating materials" (column 2, lines 19-23). Boulos, therefore, fails to teach Applicant's claimed "aluminum fuel particles comprising a surface layer of a fluoride complex provided by treatment of the aluminum fuel particles."

Quite importantly, Boulos even discloses that "[a]nother object of some embodiments of the invention is to provide a *highly stable* single package concentrate" (Boulos column 2, lines 28-30). Therefore, Boulos's aforementioned disclosure of a "*highly stable*" concentrate teaches completely away from Applicant's claimed "aluminum fuel particles."

Furthermore, Boulos's process would be unsuitable for aluminum powder because the Boulos process requires *washing away* amounts of acid and reaction products (see Boulos column 8, lines 30-47). Applicant submits that it would be impossible to wash the claimed aluminum fuel particles without compromising the integrity of the fluoride complex surface layer.

Therefore, a person having ordinary skill in the art simply would not look to Boulos for a teaching related to Applicant's claimed "aluminum fuel particles comprising a surface layer of a fluoride complex provided by treatment of the aluminum fuel particles."

Accordingly, the disclosure of Boulos would not have rendered obvious the invention defined by claim 7. Claim 11 is allowable because it depends from claim 7, and for the subject matter recited therein.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an

U.S. Appln. No.: 10/534,023  
Atty. Docket No.: P70573US0

interview might expedite prosecution, the examiner is invited to  
contact the undersigned.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By: Harvey B. Jacobson, Jr.  
Harvey B. Jacobson, Jr.  
Reg. No. 28,851

400 Seventh Street, N. W.  
Washington, D.C. 20004  
Telephone: (202) 638-6666  
Date: December 4, 2009